United Nations S/2004/703

Security Council

Distr.: General
30 August 2004

Original: English

# Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004)

## I. Introduction

1. The present report is submitted pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004) of 30 July 2004, in which the Council called on the Government of the Sudan to fulfil immediately all of the commitments it made in the joint communiqué issued by the Government of the Sudan and the United Nations on 3 July 2004. The Security Council further demanded that the Government of the Sudan fulfil its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities; and requested me to report in 30 days, and monthly thereafter, to the Council on the progress or lack thereof by the Government of the Sudan on this matter. The Council also requested me to report on progress regarding humanitarian relief, and on assistance to the African Union with planning and assessments for its mission in Darfur.

## II. Action taken in accordance with the joint communiqué of 3 July 2004

### The Joint Implementation Mechanism and the first joint verification mission

2. In resolution 1556 (2004), the Security Council welcomed the joint communiqué and the creation of the Joint Implementation Mechanism, which was established to closely follow and appraise developments and periodically report on the implementation of the communiqué. The Joint Implementation Mechanism is co-chaired by the Minister for Foreign Affairs of the Sudan and my Special Representative for the Sudan.

3. Since the joint communiqué was issued, the Joint Implementation Mechanism has held four meetings, on 15 July and on 2, 12 and 19 August 2004. In addition, a number of consultations were held in the framework of the Mechanism, the last of them on 28 and 29 August 2004. The number of Member States participating in the Mechanism has increased over this period, and now includes several partner countries and members of the League of Arab States, as well as Nigeria representing the African Union (AU) in its capacity as current Chairman.

04-47412 (E) 010904

4. At its first meeting, on 15 July, the Joint Implementation Mechanism agreed to field a joint verification mission to Darfur to assess three key areas, namely, (a) the continued Janjaweed presence; (b) the state of security, particularly in and around camps for internally displaced persons; and (c) the return and relocation of internally displaced persons. The mission visited Darfur from 26 to 28 July and its findings were reported to the Joint Implementation Mechanism at its second meeting, on 2 August. The mission concluded that no forced returns had been observed at the locations visited; security in camps for internally displaced persons had improved, and the Government had continued to take steps in this regard, most notably by deploying additional police. At its meeting the Mechanism also noted that the Government had a policy of voluntary return and had committed itself to strictly adhere to this policy, and that humanitarian access had improved.

5. However, on the most critical issue — the continuing insecurity and violence against civilians — there was clearly a need to accelerate the implementation of the Government's commitments and to make tangible progress. In particular, there were no indications at the beginning of August that the Government had taken any measures to "immediately start to disarm the Janjaweed and other armed outlaw groups", as required under the joint communiqué. At its second meeting, the Joint Implementation Mechanism agreed that the Government should lay out a road map detailing actions it would take within 30 days, covering certain regions and selected militias over which the Government has influence. This was on the understanding that these measures should start the disarmament process and help to achieve a measurable and substantial improvement in the security situation.

6. This approach, which was focused on a sequence of specific actions, areas and militias, was based on several important considerations that were shared by the United Nations and its partners: first, the acknowledgement that not all commitments made by the Government could be fully implemented within 30 days. Making an area the size of Darfur, in view of the number of armed men there and violent recent history, safe and secure for all civilians takes more than 30 days. Second, there was nevertheless an urgent need to take immediate action to start moving towards this ultimate objective. One month had passed since the signing of the joint communiqué and crucial Government commitments related to security were unfulfilled. Third, the Government had to demonstrate a genuine commitment to comply with its undertakings. It was felt that the best way for the Government to prove this commitment to the international community was by achieving substantial and verifiable progress on the ground within the first 30-day reporting period established by resolution 1556 (2004).

**The Darfur Plan of Action and related measures**

7. After further consultations between the Government of the Sudan, my Special Representative and the United Nations partners, the Darfur Plan of Action was agreed on 5 August to provide early indications to the international community that the Government had made positive progress in compliance with Security Council resolution 1556 (2004) by 30 August, and with the commitments in the joint communiqué, with particular emphasis on the implementation of commitments regarding security. It committed the Government to take several specific measures by the end of August, including the following three key steps:

(a) The Government would identify parts of Darfur that could be made secure and safe within 30 days;

(b) All offensive military operations by Government forces in those areas would cease immediately, including any offensive actions against rebel groups. The Government forces would exercise restraint and avoid retaliation against rebel activities, notwithstanding their right of self-defence; they would then be redeployed in such a way that they were not in direct contact with camps of internally displaced persons or with civilians;

(c) The Government would identify and declare those militias over whom it had influence and instruct them to cease their activities forthwith and lay down their weapons.

8. The participants in the Joint Implementation Mechanism viewed each of these steps as part of a process that had to lead, as soon as possible, to security and protection of civilians in all parts of Darfur. It was also made clear by my Special Representative and the United Nations partners — and was agreed by the Government — that improvements in the initial areas identified by the Government should not be accompanied by a deterioration of security conditions in other areas. There could be no trade-off in security conditions. The measures taken in the initial areas should serve as a model for the entire Darfur region.

9. After the third meeting of the Joint Implementation Mechanism, on 12 August, the Government on 15 August announced the selection of the areas that it would make safe and secure by the end of August. They included areas in each of the three States of Darfur, including the three State capitals and surrounding areas, as well as several other areas with large concentrations of internally displaced persons. It is estimated that there are 375,000 internally displaced persons in the areas identified, which represents about 30 per cent of the estimated total number of internally displaced persons (about 1,227,000) in Darfur as at 1 August. From the outset it was understood that the area to be made completely secure by the Government would have to be expanded substantially after the initial 30-day period.

10. In order to ensure security and protection in the selected areas, the Government on 19 August presented to the Joint Implementation Mechanism a detailed set of immediate measures it was taking. They included the deployment from 10 to 20 August of 2,000 additional police and 100 armed land-cruisers, and the securing and protection of villages within a 20-kilometre radius around the major towns identified. The measures drew a clear distinction between the respective mandates of the police and the military forces. As envisaged in the Plan of Action, the military would be redeployed to administrative headquarters and already existing military garrisons in order to avoid direct contact with civilians and internally displaced persons. Responsibility for internal security within the 20-km radius around the major towns would rest with the police, except that the military police would conduct extensive patrols to control military personnel and other persons in military uniform outside the camps. This would ensure that all persons wearing military uniforms in those areas were in fact legitimate military personnel. Inside the camps, the police are to ensure law and order and control all persons who may be armed. The carrying of weapons within the identified areas is not permitted except for the police and the regular armed forces. An instruction to this effect was issued by the Minister of the Interior on 24 August.

11. With regard to militias, the Government announced on 19 August that it will identify and instruct members of local tribes in the areas, both those previously mobilized within the Popular Defence Forces and those linked with those forces, not to conduct any activity and to stop carrying weapons in the identified areas.

## III. Assessment of the implementation of commitments by the Government of the Sudan

12. In order to assess the implementation of the commitments made by the Government in the Darfur Plan of Action and the joint communiqué, three different phases can be distinguished, namely, (a) the formulation of detailed policies by the central Government; (b) ensuring the implementation of those policies by central and local authorities; and (c) the actual impact of the measures on the ground. The first two phases were discussed in detail at the Joint Implementation Mechanism meetings on 2, 12 and 19 August. In order to assess the impact of the measures being taken, the Mechanism decided on 19 August to deploy a second joint verification mission. The mission visited all three States of Darfur from 26 to 28 August.

13. Throughout the first phase, there was good cooperation between the Government and the United Nations and its partners. Each of the proposed measures was discussed in detail and suggestions made by the United Nations and its partners were taken into account before the measures were finalized and announced.

14. The second phase required the implementation of the announced policies and measures by all central and local Government authorities. The picture in this area is mixed. A number of steps have been taken to implement specific commitments. During the second joint verification mission, local authorities appeared to be well informed about the decisions taken in Khartoum and committed to their implementation, but the implementation of some commitments remains uneven or has yet to occur.

15. Lastly, the actual impact of the measures has resulted in some improvements on the ground but remains limited overall, as evidenced during the second joint verification mission. In part, this is the result of some measures having been implemented only recently, such as the arrival of additional police in the identified areas. The effectiveness of these recent measures therefore will have to be verified and, if necessary, enhanced in the coming weeks. Other measures that have been announced have yet to have any impact because the Government has not yet implemented them.

### Disarmament of the Janjaweed and other outlaw groups

16. The most critical commitment that has yet to be implemented relates to the armed militias which continue to pose a serious threat to the civilian population. The commitment of the Government to disarm militias under its control goes back to the Humanitarian Ceasefire Agreement signed in N'Djamena on 8 April 2004. It was included in the joint communiqué and is a central demand of the Security Council in paragraph 6 of resolution 1556 (2004).

17. The position of the Government with regard to militias in Darfur has not always been the same since the joint communiqué was issued. Despite its

commitments in the joint communiqué to disarm the Janjaweed and other outlaw groups, the Government has stated repeatedly that it has no control or influence over the militias accused of attacking civilians and committing other atrocities in Darfur. During the discussions in the Joint Implementation Mechanism, the Government subsequently accepted the position of the United Nations and its partners that some militias were in fact under its influence, and that those militias should be identified and instructed to lay down their weapons. In the additional measures presented to the Mechanism, on 19 August, the Government also accepted that the militias under its influence were not limited to those previously incorporated into the Popular Defence Forces, but also included militias that were outside and later linked with or mobilized to join those forces. This means that the commitment to disarm refers both to the Popular Defence Forces and to militias that have operated in association with them.

18. The Plan of Action of 5 August identifies the first steps the Government of the Sudan has committed itself to taking towards disarming the militias: it will "identify and declare those militias over whom it has influence and instruct them to cease their activities forthwith and lay down their weapons". Following consultations between the United Nations and its partners and the Government, the Foreign Minister of the Sudan, at the fourth meeting of the Joint Implementation Mechanism, on 19 August, promised to present "names and numbers" in the very near future. On the same day the Government committed itself to reducing the number of those linked with or mobilized to join the Popular Defence Forces by 30 per cent, and to collect their weapons.

19. The disarming of members of the Popular Defence Forces has started. The second joint verification mission observed a demobilization ceremony of about 300 soldiers in Western Darfur. It was agreed with the Government that the names of the demobilized soldiers and the numbers of their weapons would be handed over to the AU Ceasefire Commission as soon as possible. In Southern Darfur, the joint verification mission on 27 August inspected 157 arms in Kass that had been given up by members of the Popular Defence Forces the previous day, and was told about similar efforts in other locations in Southern Darfur.

20. At the same time, the United Nations continues to receive reports of militia activities in all three States of Darfur. Of particular concern are several militia attacks on villages in the Yassin area, north-east of Nyala, during the second half of August. More than 50 people were apparently killed in those attacks. Some villages in this area were attacked as many as three or four times over the course of several days, and have been completely looted and destroyed. To the extent that the militias who carried out these attacks were under the influence of the Government, the wanton destruction of the villages and the killing of a large number of civilians constitutes a serious breach of the Government's commitments. Even if the militias were outside the influence of the Government, it was the Government's responsibility to intervene to ensure the protection of the civilian population in this area.

21. Militia activities were also reported in Western Darfur, including the Nertiti area and in Masteri, a village south-west of Al Geneina, where representatives of some 30,000 internally displaced persons told United Nations staff in mid-August that they were being attacked regularly by Janjaweed when they ventured outside the village. United Nations agencies have also observed an increase in the

Janjaweed presence around Sissi camp, which has severely limited the safety of displaced persons venturing outside the camp to conduct business essential to life support.

22. It is too early to determine whether the planned disarmament of 30 per cent of the Popular Defence Forces will have a significant impact on the level of militia activities in Darfur. It is clear, however, that the disarmament of militia has to go beyond the Popular Defence Forces, as required under resolution 1556 (2004) and reflected in the Government's commitments of 19 August. To date, the Government has not identified any militias that are currently outside the Popular Defence Forces. Neither has it provided evidence that it has issued specific instructions to the leaders of militias under its influence to cease their activities and lay down their weapons. The names of the militia leaders concerned and the numbers under their command have not yet been provided to the United Nations.

23. The actual disarmament and demobilization of militias that have been engaged in the conflict in Darfur will not be an easy or quick process. Fears of revenge and a strong unwillingness to disarm unilaterally will present challenges to any disarmament process. A comprehensive disarmament and demobilization programme is urgently needed, however, not only to put an immediate stop to attacks against civilians but also to improve the general level of confidence in security conditions. Such a programme should include measures to reintegrate demobilized fighters into their communities. Unless such programmes are developed and implemented quickly, the disarmament and demobilization of the fighters could itself become a source of further insecurity. It is incumbent upon the Government to ensure that no more attacks on civilians occur, whether the perpetrators are under its influence or not. The Government should be prepared to accept assistance from the international community if it is unable to stop these attacks and ensure the protection of the civilian population in the Darfur region.

**Government of the Sudan armed forces**

24. For the most part, the commitments by the Government of the Sudan concerning the armed forces, as outlined in paragraph 7 (b) above, have been implemented.

25. However, recent actions by the Government of the Sudan armed forces involve a level of violence that seems at odds with the principle of restraint it promised to observe under the Plan of Action. According to initial reports, Government aircraft were involved in a clash with rebel forces some time between 26 and 28 August 2004. The AU Ceasefire Commission is being asked to investigate the incident.

26. In addition to the fighting on 26 August, there have been accounts by refugees and internally displaced persons of other attacks by Government forces during the month of August, allegedly in collaboration with armed militias in some cases. The United Nations has not been in a position to verify any of the allegations. Any information related to alleged attacks by Government forces is being provided to the AU Ceasefire Commission and its monitors, mandated to investigate possible ceasefire violations. The Chairman of the AU Ceasefire Commission, Brigadier General Okonkwo, met with my Special Representative on 19 August and provided him with the ceasefire violation reports that the Commission has made public to date. The reports relate to incidents that occurred on 1, 3, 5, 10, 14 and 23 July 2004. In the same meeting, Brigadier General Okonkwo indicated that the Ceasefire

Commission had no evidence of any attacks carried out by Government aircraft since 30 June.

27. After the designation of the areas to be made secure by the Government of the Sudan, consultations between the Minister for Foreign Affairs and my Special Representative resulted in a qualification: no action would be taken that would lead to clashes with the Sudan Liberation Army (SLA) occupying positions in parts of the identified areas. The Minister further stated that instructions had been issued to the armed forces to exercise restraint and pull back in the case of attacks by rebel forces. This also allowed for related concerns expressed by the AU Ceasefire Commission. The second joint verification mission in Northern Darfur found that the perimeter to be made secure by the Government around Al Fasher had indeed been adjusted accordingly.

**Police**

28. In the joint communiqué, the Government committed itself to deploying a strong, credible and respected police force in all areas where there were internally displaced persons and other areas susceptible to attacks. All police units are to be trained in human rights law and held responsible for upholding it. According to information provided by the Government to the Joint Implementation Mechanism on 15 July about 4,000 police had been deployed to Darfur, and 500 additional police were to be deployed by the end of the month. On 12 August, the Government indicated to the Joint Implementation Mechanism that about 2,000 additional police would be deployed into the areas identified in accordance with the Plan of Action. Recently the Government has stated that in total 10,000 police officers have been deployed into Darfur.

29. The second joint verification mission found that additional police had been deployed to all three States of Darfur, together with armed land-cruisers and other equipment. The enlarged police force appears to be of a well-disciplined quality. Internally displaced persons remain deeply distrustful of the police, however. Allegations of theft and sexual harassment committed by police in and around certain camps of displaced persons were made. While internally displaced persons continue to claim that Janjaweed are being recruited into the police, their level of confidence in police sent to Darfur from other areas also appears to be very low. When asked whether they would lodge complaints with the police, they reacted with scepticism or said that they had been turned away. In some cases displaced persons identified the police as belonging to the group of people that had driven them from their homes. The police confirmed that they do not follow up accusations against unnamed perpetrators.

30. The internally displaced persons' perception of the police is symptomatic of a deep alienation of the displaced population from the Government. There seems to be a critical breakdown of confidence not only in the Government but more generally in all authorities. While a low level of confidence in the central Government is not a new phenomenon, recent events in Darfur have compounded this mistrust. The attitude of the displaced rests upon the assertion that the Government has been behind the terror and the trauma they have experienced. Rebuilding this shattered confidence cannot be done by the Government of the Sudan alone but will require the assistance of the international community.

31. In general, security inside the camps and in the immediately surrounding areas seems to have improved, as compared with the situation one or two months ago, and seems also to be better than outside those areas. Perceptions differ, however. Internally displaced persons indicated that they still feared attacks in areas beyond 1 to 2 km from the camps, while they felt relatively secure in the immediate surrounding areas. This finding reinforces the need for proactive police patrolling.

**Access for humanitarian organizations**

32. The joint communiqué provided for a moratorium on restrictions for all humanitarian work in Darfur, and committed the Government to removing any other obstacles to humanitarian work. In the Plan of Action, the Government committed itself to extending the fast-track procedures for humanitarian access until July 2005. A decree to this effect has been issued. As a result of these measures, humanitarian access has improved significantly since the joint communiqué was issued and has allowed the number of international humanitarian personnel in Darfur to be increased, from about 320 on 1 July to just under 500 as at 1 August. A significant number of additional international non-governmental organizations have also been registered.

33. At the same time, humanitarian agencies continue to encounter delays and difficulties. In some cases, commitments and decisions are not implemented by all Government authorities at the central and local level, or implemented only after repeated interventions and delays. The military intelligence service seems to be particularly influential where these difficulties are concerned. A recent example is the new procedures for humanitarian flights to Darfur that were agreed to by the Foreign Minister of the Sudan on 11 August after discussions with my Special Representative, and were to become effective on 14 August. The procedures abolished certain notification periods and would greatly facilitate humanitarian air operations, but they have yet to be fully implemented. Old procedures were initially applied when missions visited Darfur in the second half of August. There is still a clear need for more streamlined procedures and standards to be applied consistently by all parts of the Government. This would save the humanitarian agencies time and effort that should be spent on providing relief.

34. Access for all humanitarian workers to Kalma camp was denied for three consecutive days, following a violent incident inside the camp on 12 August. This complete denial of access to more than 50,000 internally displaced persons was effectively a collective punishment. It had severe consequences for the provision of life-saving assistance in the camp, notably the operation of therapeutic feedings centres and health clinics. In a discussion with my Special Representative, the Governor of Southern Darfur promised not to repeat this measure.

**Returns**

35. According to the joint communiqué, any return of internally displaced persons must be done in a truly voluntary manner in line with the Humanitarian Ceasefire Agreement. In the Plan of Action, the Government confirmed this policy and committed itself to signing an agreement with the International Organization for Migration (IOM) to oversee and assist in the voluntary return of internally displaced persons. This agreement was signed by the Government, IOM and the United Nations on 21 August. It provides that IOM, not the Government, will determine

whether returns are voluntary and appropriate. This determination has to be made before returns take place. IOM has agreed that this determination will be made in consultation with United Nations agencies, including UNHCR, active in the Sudan.

36. It seems that there are no forced returns, in accordance with the commitments made by the Government. It also seems, however, that in some areas local authorities continue to apply pressure directly or indirectly through community leaders, which is being resisted by internally displaced persons. Pressure to relocate or return, together with overcrowding, poor conditions during the rainy season, and security threats, has added to resentment, anger and frustration in many of the large camps and concentrations of internally displaced persons.

37. The internally displaced persons want to return to their villages, but they are willing to do so only when a number of conditions have been fulfilled. The conditions most frequently mentioned are (a) the disarming of the Janjaweed; (b) providing confidence and security for the safe return of the displaced persons; (c) the reconstruction of their villages and basic services; and (d) compensation for their loss.

38. Some of the displaced have returned to their villages during the daytime to tend their fields but return before nightfall for security reasons. A number of incidents have been reported in which returning displaced persons have been attacked or threatened by Janjaweed militias in the areas of return. The arrangements and standards envisaged by the agreement with IOM of 21 August will have to be put in place as soon as possible to ensure that returns only occur under appropriate and truly voluntary conditions.

**Human rights**

39. The joint communiqué contained several provisions relating to human rights, including commitments on the part of the Government to take concrete measures to end impunity and conduct immediate investigations of all cases of human rights violations, including those brought to its attention by the United Nations, AU and other sources, and to allow the deployment of human rights monitors.

40. A team of eight United Nations human rights observers was deployed to the three State capitals of Darfur in mid-August. The team from the Office of the United Nations High Commissioner for Human Rights (OHCHR) is working closely with the United Nations advance mission in the Sudan, the United Nations country team for the Sudan and other humanitarian actors on the ground to ensure that violations of human rights are effectively and quickly addressed and that better protection is afforded to the people of Darfur. They will also assess the extent to which local, regional and national authorities fulfil their responsibilities in this regard, in keeping with international standards. Before their departure from Khartoum, the human rights officers were assured by the Minister of Justice that the Government would take any measures required to facilitate their work on the ground. It goes without saying that all organs of the Government of the Sudan must allow the human rights monitors to carry out their mandates without any interference.

41. Since the adoption by the Security Council of resolution 1556 (2004), specific attention is being paid by OHCHR to efforts by the Government of the Sudan to "apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations

and other atrocities". Concerns have been raised with regard to recruitment of Janjaweed as police or security officers in Darfur or elsewhere in the Sudan, and also with regard to the Sudanese authorities, recasting and charging common criminals as Janjaweed, presumably in an attempt to display a resolve to deal with this pernicious problem. The Government has repeatedly denied such allegations at Joint Implementation Mechanism meetings. A credible vetting process needs to be established to ensure that Janjaweed are not absorbed into the official Sudanese forces. It is incumbent on the Government to bring to justice those who are responsible for serious violations of human rights. On 19 August, the Government had presented a list of criminal reports against lawbreakers (1-16 August 2004) to the Joint Implementation Mechanism, which contained 24 cases of alleged criminal acts. In most of the cases, however, the accused were identified as "unknown armed men". An active and systematic effort to end impunity does not yet seem to be in place.

42. Reports of rape, sexual violence and exploitation remain a major concern that was discussed extensively within the framework of the Joint Implementation Mechanism. In addition to the disturbing reports of rape and sexual violence being committed by armed militias in many parts of Darfur, there have been allegations of sexual harassment and exploitation of internally displaced persons by "men in uniform". These allegations and reports will also be investigated by the United Nations human rights monitors. On 19 August, the Government reported to the Joint Implementation Mechanism about two rape cases that were being investigated in Western Darfur.

43. The Government of the Sudan informed the Joint Implementation Mechanism on 2 August that it had established a special committee of female judges, police and Ministry of Justice officials to investigate rape cases. While this is a commendable initiative, the Committee's mandate appears to be limited and resources and logistical support are lacking; it will require technical assistance to improve its methodology and approach. The United Nations is committed to providing this support, which the Government has welcomed. In addition to supporting the work of the committee, an effort is required to improve the investigation and prosecution of rape cases more generally, particularly to enable rape victims to come forward with confidence and without fear of retribution or stigmatization. Given the scale of the accusations and the impact on the relations between the communities, a proper investigation and acknowledgment of the use of rape and sexual violence in the conflict will also be an essential element of reconciliation.

44. The legal obstacles to the treatment of victims of gender-based violence in Darfur are a matter of concern. This issue was taken up with the Minister for Foreign Affairs and the Minister of Justice at the Joint Implementation Mechanism meeting on 19 August, with a view to amending current legislation. At present rape victims can receive medical treatment only if they first present a police incident report, a requirement that discourages victims from seeking medical assistance.

45. The joint communiqué also committed the Government of the Sudan to ensuring that the national commission of inquiry, established by presidential decree in May, receives the necessary resources to undertake its work and that its recommendations are fully implemented. The members of the commission met the human rights officers after their arrival in Khartoum. They briefed them about the commission's first visit to Darfur. In the meantime, OHCHR has raised several

concerns about the national commission of Inquiry, in particular with regard to the composition of the commission and the apparent exclusion of military and security officers from its investigations. Reportedly, the commission has so far devoted little time to visiting camps of internally displaced persons or establishing contact with victims of abuse.

**Reconciliation and confidence-building**

46. As required by the Plan of Action, a conference of local leaders was held in Khartoum on 11 and 12 August. The conference reviewed draft legislation on the native administration of the three Darfur States, and discussed social reconciliation and the role of the traditional administration in the disarmament process. The participants adequately covered the three Darfur States, and all major tribes and the interests of both pastoralists and nomads were well represented. Most of the traditional local leaders were present, including leaders who are known to have political views at variance with those of the Government.

47. The Native Administration Law for the three Darfur States was adopted on 19 August by emergency presidential order. The law contains criteria for the selection of native administrators and provisions relating to administrative, security, judicial, executive and other issues. The law provides for a general framework that would need to be further developed through secondary legislation and implementation procedures to help address the conflict in Darfur in a transparent and sustainable manner. It will be important to ensure that the selection of the native administrators is done in a transparent and inclusive manner, and that mechanisms are created that will ensure their accountability to the communities in the region.

48. As indicated above, a key concern is the breakdown of confidence among internally displaced persons towards the autnorities. While local authorities, including the Walis (governors), police chiefs and the humanitarian aid commissioner, seem committed to efforts aimed at reconciliation and confidence-building, it is clear that this will require concrete policies and a concerted effort over an extended period of time. Greatly improved communication with the displaced population will have to be an important element of this process. Mechanisms should be established that allow the displaced to voice their concerns, be fully informed and consulted on all issues that affect them. These mechanisms should include, in particular, women as well as traditional leaders from the local community who belong to the same tribes as the displaced persons and could act as bridge builders.

## IV. Humanitarian situation and response

49. The capacity of humanitarian agencies on the ground has continued to increase. From 1 June to 1 August, the number of international staff in Darfur increased from about 170 to slightly fewer than 500, and the number of national staff rose from around 1,140 to close to 3,700. More than 30 international non-governmental organizations, United Nations agencies and Red Cross and Red Crescent missions are now operating in Darfur, and 10 additional organizations are in the process of starting operations. In several critical sectors, the number of internally displaced persons and others affected by the conflict who are receiving assistance has substantially increased over the same period.

50. The number of those who require relief has also increased, leaving many without the necessary assistance. In July, the total estimated number of displaced persons increased by almost 200,000, to more than 1.2 million. The number of host communities and others requiring humanitarian relief increased by more than 60,000 over the same period. The increase in the number of the displaced seems to be caused by several factors, namely: agencies are expanding their geographical coverage and reaching and registering more displaced persons; some local residents have been trying to register as internally displaced persons to receive assistance; others may have left their villages to seek assistance that is being provided in the camps. It appears that the main reason for further displacement remains insecurity, however. This includes ongoing Janjaweed activities, clashes between the rebel movements and Government forces, and tribal conflict.

51. United Nations agencies and non-governmental organizations have also gained greater access to rebel-held areas in recent weeks, carrying out assessments and delivering assistance. After several security incidents occurred in those areas late in July, a meeting with representatives of the rebel movements was held in Asmara on 6 August. Operational modalities were agreed for food convoys and a vaccination campaign in rebel-held areas. Additional contacts with SLA have been made in the past two weeks to ensure full and unimpeded humanitarian access to areas under their control. A worrying recent development is that, since shortly after the start of the vaccination campaign, three national staff members have been missing. It was therefore decided to halt the campaign.

52. The gaps between the needs and the assistance being provided have not narrowed significantly in recent weeks. This applies in particular to water and sanitation, more than to food. In Chad, more refugees have been arriving at the refugee camps established by UNHCR. Along the border, there is an increased number of internally displaced persons and returnees from the Chadian side, who cannot easily be assisted. About 18,000 remain near the border but many of them are running out of food and other basic supplies. The same is true for people in rebel-held areas. Malnutrition rates are still at alarmingly high levels. The risk of an epidemic is still of equal concern.

53. This shows that there is an urgent need for a further build-up of capacity in virtually all critical sectors, both in Darfur and Chad. The relief activities also require substantial additional funding. On 25 August, the United Nations presented the remaining humanitarian requirements for the Sudan for 2004, including revised requirements for Darfur. Together with new requirements for the relief effort in Chad, the total funding requirements for the United Nations response to the Darfur crisis are now $531 million. Only slightly more than 50 per cent of these requirements have been provided to date, leaving a funding shortfall of $255 million for the Darfur crisis alone. A further $246 million are still needed for urgent priorities in other parts of the Sudan, including assistance to spontaneous returnees in southern Sudan.

## V. Assistance to the African Union mission in Darfur

54. In resolution 1556 (2004), the Council requested me to assist the African Union with planning and assessments for its mission in Darfur. Accordingly, I dispatched a team of experts to AU headquarters in Addis Ababa and to the Sudan,

from 4 to 17 August. The team was led by the Military Adviser of the Department of Peacekeeping Operations, Major General Patrick Cammaert, and worked in close collaboration with the AU Commission to produce a comprehensive plan for an expanded AU mission in Darfur (AUMIS). The plan reflects the operational concept and includes all logistical, support and budgetary requirements related to an expanded AU mission. In addition to Darfur-based activities, it reflects requirements necessary to support AU in managing and directing a complicated field operation.

55. The plan is based on consultations with the parties, members of the affected population, United Nations agencies and non-governmental organizations. It also takes into account, and seeks to build upon, the experience of the AU mission in Darfur so far. In keeping with the agreement with the parties of 28 May on the implementation modalities of the Humanitarian Ceasefire Agreement, it provides for observers as well as an element to protect them.

56. It is generally agreed that the initial AUMIS deployment has been useful, but that the mission's effectiveness has been constrained by its small size and by logistical challenges. AUMIS has not been able, therefore, to allay the serious security concerns of internally displaced persons and returnees. There are many indications that an international observer presence with a protection element, if sufficiently widespread, would mitigate this situation and have a positive effect in promoting both the perception and the reality of security. This in turn would facilitate the delivery of humanitarian assistance and, beyond that, the return of displaced persons in time for the next planting season.

57. In view of the continued activities of armed militias in many areas, the protection element is essential to protect AUMIS personnel, equipment and installations. While protection of the civilian population is the responsibility of the Government, the AUMIS protection element would protect civilians whom it encounters under imminent threat and in the immediate vicinity, within its capability.

58. In addition, in the light of the findings of the team from the Department of Peacekeeping Operations, there is an acute need for a substantial civilian police component to assist with monitoring and capacity-building of the national police. The effectiveness of the police could be heightened with training in a variety of techniques, such as a proactive approach to patrolling, as well as systematic efforts to build trust with the affected population, particularly the internally displaced persons. These training and capacity-building programmes would supplement ongoing police training seminars, conducted by the United Nations Children's Fund, and a training programme funded through the United Nations Development Programme which is due to start shortly.

## VI. Concluding observations

59. The conflict in Darfur has caused enormous suffering to the civilian population. The violence and atrocities committed against civilians, including killings, rape and the destruction of hundreds of villages, have been documented in gruesome detail. While the current conflict started with an armed rebellion against the Government of the Sudan in February 2003, most of the targeted violence resulted from a scorched-earth policy adopted by armed militias, and resulted in the

forced displacement of more than 1.3 million people within Darfur and across the border to Chad.

60. Certain of the measures taken by the Government of the Sudan in accordance with the joint communiqué and the Darfur Plan of Action have resulted in some progress. Among those measures are the improvement of security in some specific areas where internally displaced persons are concentrated, the deployment of additional police and the beginning of disarmament, the lifting of access restrictions for humanitarian relief, the commitment to a policy of no forced returns, and the establishment of human rights monitoring and investigations.

61. Stopping attacks against civilians and ensuring their protection is the responsibility of the Government of the Sudan. The Government has not met this obligation fully, despite the commitments it has made and its obligations under resolution 1556 (2004). Attacks against civilians are continuing and the vast majority of armed militias have not been disarmed. Similarly, no concrete steps have been taken to bring to justice or even identify any of the militia leaders or the perpetrators of the attacks, allowing the violations of human rights and the basic laws of war to continue in a climate of impunity. After 18 months of conflict and 30 days after the adoption of resolution 1556 (2004), the Government of the Sudan has not been able to resolve the crisis in Darfur, and has not met some of the core commitments it has made.

62. The displaced have been terrorized and traumatized, and have lost confidence in the authorities. The increasing level of animosity between different communities and tribes within Darfur has gone hand in hand with a breakdown of traditional mechanisms for resolving differences. The process of reconciliation and of rebuilding the confidence of the people of Darfur in each other and in the Government will take time, patience and, above all, the prospect of a peaceful potential solution to the conflict.

63. Both in the joint communiqué and in the Plan of Action, the Government promised to resume the political talks on Darfur to reach a comprehensive solution acceptable to all parties in the conflict. The search for a political solution is now under way in Abuja. I welcome the fact that the parties have been able to agree on an agenda which includes both emergency and long-term concerns: humanitarian issues, security, political questions and social-economic issues. I urge the parties to continue and redouble their efforts, with the assistance of the African Union and the other international mediators. The United Nations is participating as an observer and supporting the AU mediation effort by providing experts and advisers to the mediator. At the same time as political talks proceed, the parties should exercise maximum restraint on the ground and fully respect the Humanitarian Ceasefire Agreement. This applies equally to the Government of the Sudan and to the rebel movements.

64. I believe that a substantially increased international presence in Darfur is required as quickly as possible. The comprehensive plan for an expanded AU mission in Darfur that the United Nations has assisted the African Union in formulating provides a blueprint for such a presence, which could help to improve the situation in critical respects: it could decrease the level of violence and enhance the protection of the civilian population, particularly those who have been displaced.

65. A larger international presence could monitor the implementation of the parties' commitments more effectively, including their commitments under the Humanitarian Ceasefire Agreement and important elements of the joint communiqué. This would help to build confidence between the parties, a precondition to the success of the political process and compliance with agreements reached. Training and building the capacity of the national police and monitoring their behaviour could increase the quality of policing and provide a greater degree of protection. Proactive monitoring and patrolling of all parts of Darfur would enhance security and facilitate the delivery of humanitarian relief. Active and timely mediation on the ground would help to prevent the escalation of conflicts and stem violence. By providing the population with an increased sense of security and protection, a sizeable international presence would ease the level of tension and anger, and create the necessary conditions for the population of Darfur to start their own reconciliation process.

66. Without security and at least the beginning of a meaningful process of reconciliation, most of the displaced people in Darfur and Chad will not be able to fulfil their greatest desire: to return to their homes in peace. Although it is unlikely that the conditions in Darfur will permit a voluntary and safe return any time soon, all our efforts should continue to be guided by this ultimate objective.

67. Lastly, the crisis in Darfur cannot be seen in isolation from the search for a comprehensive peace in the Sudan. While the parties search for a political and peaceful solution to the crisis in Darfur, simultaneous efforts are required by all concerned to restart and conclude the IGAD peace talks as soon as possible. This completion would prove that peace negotiations can indeed produce results. Moreover, the outcome of the talks in Naivasha could serve as a model for the talks on Darfur and instil more confidence among the rebels in the process. Any effort to make the conclusion of the IGAD process conditional on an end to the crisis in Darfur would be counter-productive, with consequences that could further destabilize the country and the region, and ultimately prolong the crisis in Darfur itself.

United Nations A/59/314–S/2004/704

General Assembly
Security Council

Distr.: General
1 September 2004

Original: English

**General Assembly**
**Fifty-ninth session**
Item 20 of the provisional agenda*
**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

**Security Council**
**Fifty-ninth year**

## Letter dated 30 August 2004 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit the attached memorandum on the question of Western Sahara (see annex).

I should be grateful if you would arrange for the present letter and the memorandum to be circulated, before 15 September 2004, as an official document of the General Assembly, under item 20 of the provisional agenda, and the Security Council.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

* A/59/150.

04-49423 (E) 130904

## Annex to the letter dated 20 August 2004 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

## Memorandum by the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro on the question of Western Sahara addressed to the Member States of the United Nations

In the aftermath of the military invasion and occupation of Western Sahara by the Moroccan army in October 1975, made possible by the renunciation on the part of the former colonial Power, Spain, of its responsibilities under the Charter of the United Nations, the international community has constantly been active in its efforts aimed at bringing about the decolonization of Western Sahara, the last colonial case in Africa.

### I

The resolute work undertaken to that end by the Organization of African Unity (OAU, now the African Union) between 1976 and 1984 was frustrated by the lack of cooperation and of good faith of Morocco, whose intransigence and persistence in trying to legitimize the fait accompli of its illegal occupation of Western Sahara led OAU in 1984 to recognize and admit, as a member State, the Saharawi Arab Democratic Republic.

Instead of rectifying its conduct, the Government of Morocco decided to persist in its rebellion against African and international legality and thus withdrew from OAU.

### II

In the framework of General Assembly resolution 40/50 of 2 December 1985, the Chairman of OAU and the Secretary-General of the United Nations in 1986 began a joint mediation aimed at obtaining acceptance by the two parties to the conflict — Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente POLISARIO) — of a settlement plan whose essential aim was "to enable the people of the Territory to exercise their inalienable right to self-determination and independence under conditions acceptable to them and, hence, to the international community" (para. 6 of the Secretary-General's report of 18 June 1990 (S/21360)).

The settlement plan was officially accepted by both Morocco and the Frente POLISARIO, thus allowing the Security Council to approve the plan in its resolution 658 (1990). The following year, the Security Council approved the deployment in the territory of the United Nations Mission for the Referendum in Western Sahara (MINURSO), with the explicit mandate of holding a referendum for self-determination at a specified date "not later than February 1991" in accordance with the timetable for the implementation of the settlement plan as approved by the Security Council in its resolution 690 (1991).

### III

However, and with the clear intention of trying to implicate the United Nations in falsifying the lists of voters for the referendum in a way that would allow

Moroccan settlers to take part in the vote, the Government of Morocco engaged in policies of distortion and obstruction aimed at thwarting the implementation of the settlement plan. Those policies brought the entire peace process to a long stalemate that lasted until April 1997, when the new Secretary-General of the United Nations, Kofi Annan, appointed the former United States Secretary of State, James Baker III, as his Personal Envoy for Western Sahara.

Mr. Baker managed to bring the two parties to the negotiating table in an attempt to overcome the difficulties that had caused the deadlock in the peace process. The negotiations culminated in the signing by Morocco and the Frente POLISARIO of the Houston Agreements (Texas) in September 1997. By virtue of those Agreements, the referendum could have been held at the end of 1998 in accordance with the timetable presented by the Secretary-General to the Security Council in his report of 24 September 1997 (S/1997/742 and Add.1).

In fact, the Secretary-General estimated in that report that (paras. 26 and 27):

> "With these agreements ... the main contentious issues that had impeded the implementation of the plan have thus been satisfactorily addressed ... These achievements create the conditions to proceed towards the full implementation of the settlement plan, starting with the resumption of the identification [of voters]."

**IV**

Once again, Morocco reverted to its policies of obstruction, when MINURSO published, in February 2001, the list of persons entitled to take part in the referendum on the decolonization of Western Sahara. Morocco concluded that, if held, the decolonization referendum would lead Western Sahara to independence, an outcome that it was not willing to accept, and then decided to gradually derail the entire peace process.

In his recent interview broadcast on 19 August 2004 by PBS, an American television station, Mr. Baker stated: "The closer we got to implementing the settlement plan ... the more nervous I think the Moroccans got about whether they might not win that referendum."

Indeed, as recognized by the Secretary-General in paragraph 48 of his report of 19 February 2002 (S/2002/178), "Morocco has expressed unwillingness to go forward with the settlement plan". From the policy of partial obstruction, Morocco had passed to sheer reneging on the commitment that it had officially made before the Security Council in 1990, when it declared its acceptance of the settlement plan.

In his interview with PBS, Mr. Baker's assessment leaves no doubt about Morocco's responsibility for the failure of United Nations efforts undertaken so far to resolve the conflict:

> "For 10 or 11 years Morocco said publicly and privately that it wanted the settlement plan and wanted the referendum and then towards the very end, right after the voter list had been drawn up and the voters had been identified, it said, 'Well, it's no longer applicable, we're not going to go forward with the settlement plan'."

After several months of impasse, the Secretary-General and his Personal Envoy resumed their efforts to overcome the situation created by Morocco's

rejection. Those efforts led, in January 2003, to the preparation of the Peace Plan for the Self-Determination of the People of Western Sahara.

V

The Peace Plan contained in the Secretary-General's report of 23 May 2003 (S/2003/565 and Corr.1) envisages that, at the end of (a) a transitional period of five years (the settlement plan provided for six months), the United Nations would hold (b) a referendum for self-determination that would enable the Saharawi people to choose between national independence, integration with the occupying Power or the continuation of the transitional period (a new element not contemplated in the settlement plan). The scope of (c) the electoral body that would participate in that referendum (particularly crucial for the future of Western Sahara) was extended in order to include, in addition to the Saharawi native population of the Territory as foreseen in the settlement plan, the "residents" (Moroccan civilians) in Western Sahara between 1976 and December 1999.

Although this was a proposal containing elements that were clearly at odds with the original settlement plan, the Saharawi side decided, in early July 2003, to accept it, as evidence of a sincere will for peace and cooperation with the efforts of Mr. Baker and the Secretary-General.

The Security Council, following a lengthy debate, decided in its resolution 1495 (2003) of 31 July 2003 to "strongly support the Peace Plan" and to call upon the parties to work towards the "acceptance and implementation" of it.

Nevertheless, Morocco was to surprise everyone with what appeared to be a clear attitude of rejection of the Peace Plan. In the above-mentioned interview, Mr. Baker indicated with regard to Morocco's opposition to the Plan: "The Moroccans concluded that they were not even willing to risk a vote under those circumstances."

The pretexts put forward by Morocco for sustaining its negative response to the new proposal were not accepted by the Security Council, which, in its resolution 1495 (2003), pledged its full support for the Peace Plan. The Council thus deemed relevant the arguments advanced by the Secretary-General and his Personal Envoy in the above-mentioned report of 23 May 2003, which demonstrated that the position of Morocco was particularly untenable. In effect, in paragraph 51 of the report, the Secretary-General stated:

> "The main objection of Morocco to the Peace Plan seems to be that in the referendum to determine the final status of Western Sahara, one of the ballot choices is independence. However, independence is also one of the two ballot choices under the settlement plan [of 1990-1991] which Morocco had accepted."

In the following paragraph, he considered the Moroccan objection indefensible from the standpoint of international legality:

> "It is difficult to envision a political solution that, as required by Security Council resolution 1429 (2002), provides for self-determination but that nevertheless precludes the possibility of independence as one of several ballot questions."

It is in fact this exclusion that Morocco is seeking.

The Secretary-General did not, however, close the door on the possibility that Morocco would reconsider its position. In that context, the Security Council, after pledging its full backing in resolution 1495 (2003) to the proposal presented by Mr. Baker, agreed to extend the mandate of MINURSO until October 2003.

In his report of 16 October 2003 (S/2003/1016) and in the face of Morocco's persistence in its entrenched attitude of rejection, the Secretary-General formally launched a call to the Government of Morocco. Thus, in paragraph 27, he stated that:

> "The peace plan represents a fair and balanced approach to the question of Western Sahara ... The acceptance of the Peace Plan by the Frente POLISARIO now offers a window of opportunity for solving the long-standing dispute. I urge Morocco to seize the opportunity and positively engage in the process by accepting and implementing the Plan."

In paragraph 28, the Secretary-General expressed "the sincere hope that by that time, the Kingdom of Morocco will be in a position to engage positively in implementing the Plan. If not, I will revert to the Security Council in January with my views on the future of the peace process in Western Sahara, as well as on the mandate of MINURSO."

**VI**

By January 2004, Morocco had not given any positive response. The Security Council again extended the mandate of MINURSO until the end of April.

In his report of 23 April 2004 (S/2004/325 and Add.1), the Secretary-General and his Personal Envoy informed the Security Council of the *definitive rejection* by Morocco of the Peace Plan. In fact, in its response, which appears as annex I to the report, Morocco rejects the implementation of the principle of self-determination for the Saharawi people, an inalienable right that constitutes the backbone of the United Nations doctrine related to Western Sahara (as expressed by the Security Council, the General Assembly and its Special Political and Decolonization Committee (Fourth Committee) and the International Court of Justice).

Instead, the only thing that Morocco has shown willingness to consider is an arrangement that a priori excludes the right of the Saharawi people to independence. This plan would be, according to the official response given by Morocco, "an autonomy (for Western Sahara) within the framework of Moroccan sovereignty". Morocco, according to paragraph 5 of the report of 23 April 2004, insists that an "autonomy-based political solution can only be final". The Secretary-General rejected that position since it "has adverse implications for self-determination, as called for in resolution 1429 (2002) [of the Security Council]" (S/2004/325, para. 5).

**VII**

The claim to sovereignty made by Morocco with regard to Western Sahara and its subsequent invasion of the Territory were the cause of the conflict that began in 1976. In this sense, the Secretary-General and his Personal Envoy came to affirm, in their report of 23 April 2004, that in fact "the issue of sovereignty is, of course, the fundamental issue which has divided the parties for all these years" (S/2004/325, para. 5).

In accordance with international legality, only a free and fair referendum for self-determination of the people of the Territory, organized and supervised by the United Nations, could settle this question, something that Morocco now rejects out of hand, despite the fact that it had already accepted the referendum as provided for in the original settlement plan of 1990-1991. Furthermore, the Moroccan claim of sovereignty had already been categorically rejected by the two entities of the United Nations with competence in legal matters.

On the one hand, in a historic legal opinion issued on 16 October 1975, the International Court of Justice concluded that "the materials and information presented to it do not establish any tie of territorial sovereignty between the Territory of Western Sahara and the Kingdom of Morocco". The Court also stressed the colonial nature of the question of Western Sahara and recommended accordingly "the implementation of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory".

On the other hand, 26 years after the invasion and illegal occupation of the Territory, the United Nations, through its Office of Legal Affairs, issued, on 29 January 2002, an opinion following a request made by the Security Council in November 2001:

> "The Madrid Agreement [signed jointly by Mauritania, Morocco and Spain on 14 November 1975] did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power — a status which Spain alone could not have unilaterally transferred."

Furthermore, it is also clear to Mr. Baker that the Moroccan claim to Western Sahara did not hold any international legitimacy. In his interview, he indicated that:

> "I know of hardly any country in the world that, as a matter of international law, or international recognition, recognizes Morocco's claim to Western Sahara."

Mr. Baker went to the very substance and nature of the conflict by saying in the same interview:

> "Morocco will never receive the imprimatur of international legitimacy for its occupation of the territory unless it works out some arrangement that is blessed by the international community."

## VIII

In spite of the Moroccan rejection of the Peace Plan, both the Secretary-General and his Personal Envoy still remain convinced that the Plan is the best avenue leading to a definitive solution to the conflict. Thus, in paragraph 38 of the report of 23 April 2004, the Secretary-General states that:

> "It is my view and that of my Personal Envoy that the Peace Plan still constitutes the best political solution to the conflict over Western Sahara which provides for self-determination, as required by paragraph 1 of resolution 1429 (2002). I hope, therefore, that the Security Council will reaffirm its recent unanimous support for the Peace Plan and will once again call upon the parties

to work with the United Nations and each other towards acceptance and implementation of the Peace Plan."

In response to this call, the Security Council adopted, on 30 April 2004, resolution 1541 (2004), in which it "reaffirms its support to the Peace Plan for Self-Determination of the People of Western Sahara". The Security Council also extended the mandate of MINURSO until 30 October 2004, while awaiting a report from the Secretary-General on new developments with regard to the implementation of resolution 1541 (2004). This deadline would also allow the General Assembly to tackle, at its fifty-ninth session, the question of Western Sahara from the viewpoint of decolonization.

**IX**

Just as it had frustrated the efforts made by OAU between 1976 and 1984, the Government of the Kingdom of Morocco has responded with the same obstructionist attitude by thwarting and paralysing the resolute efforts made by the United Nations throughout the past 13 years.

The Third African Union Summit of the Heads of State and Government, held in Addis Ababa from 6 to 8 July 2004, expressed its concern about these developments. In his report submitted to the Heads of State, the President of the Commission of the African Union stated:

> "The Peace Plan was accepted by the Frente POLISARIO, and Algeria, as one of the neighbouring countries interested in the issue, offered support to the Plan. But Morocco rejected the Plan as being unacceptable. Subsequently, the Security Council consented to giving Morocco more time for further reflection, in the hope that it would agree and implement the Peace Plan. Morocco has since responded to the Security Council's request. However, its response does not demonstrate the flexibility that had been expected. In fact, its reaction even reveals a hardening position, as it not only rejects the option of independence, but also considers the transitional phase, as an interim arrangement preceding the referendum, unacceptable."

## Conclusions

On 11 June 2004, the Secretary-General addressed a letter (S/2004/492) to the President of the Security Council in which he states: "Mr. Baker has informed me that he believes that he has done all he can do on this issue and he has therefore offered his resignation as my Personal Envoy. It is with deep regret that I have accepted his resignation."

The departure of Mr. Baker, who, as the Secretary-General's Personal Envoy, had dedicated seven years of concentrated work with a view to bringing about a just and lasting solution to the colonial conflict of Western Sahara, was received with "fireworks" by Morocco. Its Minister for Foreign Affairs, Mohamed Benaissa, in a statement circulated on 12 June 2004 by the official news agency, Maghreb Arabe Presse (MAP), welcomed Mr. Baker's resignation by affirming that "it was the outcome of the tenacity of Moroccan diplomacy".

Thirty years have already passed by since Morocco decided, by an act of sheer force contrary to international legality, to occupy a territory and a country that did not belong to it.

The conclusions that can be drawn from the reports of the Secretary-General of the United Nations and the President of the Commission of the African Union, as also from Mr. Baker's interview with PBS mentioned above, are clear.

Morocco has not only reneged on its commitments under the settlement plan that "it had accepted for many years", but also on the responsibilities inherently entailed by its being a Member of the United Nations, which require from any Member State that it fulfil in good faith, and abide by, the resolutions, principles and objectives of the Charter, which consider the peoples' right to self-determination an essential pillar for peace and international security.

To illegally occupy a neighbouring country, to oppress its people for 30 years, to plunder its natural resources, to cause wars and tension in the region and to frustrate the invaluable peace efforts made by the international community is unacceptable behaviour that constitutes a serious challenge to the very consistency, validity and credibility of the international system represented by the United Nations.

It is clearer than ever today that the long waiting of the Saharawi people, whose country remains partly under foreign occupation in the twenty-first century, and that the patience of the international community and its hope to see this conflict resolved peacefully have been ignored by Morocco through its rejection of the settlement plan and the Peace Plan.

In spite of the admission by OAU of the Saharawi Republic, some Member States of the United Nations — on their own or at the request of Morocco — had been waiting for the outcome of the referendum process in order to decide on the very question that is at the heart of the decolonization conflict, namely, the right of the Saharawi people to independence and its legitimate aspiration to be part of the international community, as a free and sovereign nation, along with the large and small States of the world.

In other words, the case of Western Sahara entails implicitly a question with regard to a substantial issue that consists of knowing to what extent the formal recognition of the right to independence of a people subjected to foreign occupation is dependent upon the will of an occupying Power that, contrary to its own commitments, has publicly demonstrated its unwillingness to cooperate with the United Nations in the resolution of the conflict.

Facts have demonstrated that the process that should have culminated in a referendum for self-determination organized by the United Nations has not reached the natural stage provided for in the resolutions of the General Assembly and the Security Council owing to the attitude of Morocco.

The Saharawi people, which has resisted and will continue to resist this foreign occupation until the full attainment of its legitimate rights to self-determination and independence, expresses its thanks to all nations of the world that have believed in and backed its just cause. To all of them, it reaffirms its willingness to spare no effort in its cooperation with the United Nations for the implementation of either the Peace Plan or the settlement plan, which are the two proposals for a solution that

have received the backing of the Security Council and the General Assembly. In this context, the Saharawi people is confident that Member States will act resolutely and use all necessary leverage in order to ensure that Morocco cooperates with the efforts of the United Nations and allows the holding of the referendum for self-determination that has been so long awaited and so many times postponed.

United Nations A/58/882–S/2004/705

General Assembly
Security Council

Distr.: General
1 September 2004

Original: English

**General Assembly**
**Fifty-eighth session**
Agenda item 37
**The situation in the Middle East**

**Security Council**
**Fifty-ninth year**

## Letter dated 1 September 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon (see annex).

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including air, sea and land, and go against the principles of international law, the resolutions of international legitimacy, and your repeated calls for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the United Nations to deter and prevent Israel from such dangerous acts, which pose a threat to international security and peace. Lebanon places upon Israel full responsibility for any consequences to which those acts may give rise.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint and its annex circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-47526 (E) 030904

## Annex to the letter dated 1 September 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

## Israeli violations and acts of aggression against Lebanon (2-25 August 2004)

**2 August**

Between 1015 and 0315 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired two flare shells on the open sea.

**4 August**

At 2220 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired one flare shell on the open sea.

**5 August**

At 1850 hours, Israeli occupation forces positioned in Samaqa inside Chebaa farms fired a flare shell and several bursts of medium machine-gun fire at the surroundings of this position.

**6 August**

At 2329 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired two flare shells on the open sea.

**7 August**

At 1150 hours, Israeli occupation forces positioned in El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

Between 2045 and 2115 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired several bursts of medium machine-gun fire and many flare shells on the open sea.

**8 August**

Between 2120 and 2135 hours, Israeli occupation forces positioned in Zebdine inside Chebaa farms fired three flare shells over the liberated Lebanese territory and one 155-mm artillery round impacted the surroundings of Birket El Naqar inside the farms.

At 1925 hours, Israeli occupation forces positioned in Samaqa inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

**10 August**

Between 0230 and 0315 hours and between 2240 and 2305 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired two flare shells on the open sea.

**11 August**

Between 2325 and 0115 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Saida, and circled over Beirut and Saida.

**12 August**

At 0500 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired a flare shell and between 2025 and 2035 hours fired several bursts of medium machine-gun fire on the open sea.

**13 August**

Israeli warplanes violated Lebanese airspace at different altitudes over Chebaa farms.

**14 August**

At 0325 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired a flare shell on the open sea.

At 1850 hours, Israeli occupation forces positioned in El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

**15 August**

Between 0210 and 0515 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired three flare shells and several bursts of medium machine-gun fire and at 1044 hours fired several bursts of medium machine-gun fire on the open sea.

**17 August**

At 0106 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired several bursts of medium machine-gun fire and at 2010 hours fired a flare shell on the open sea.

Between 0702 and 1140 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre headed east, and circled over Maarake — Nabatiya — Saida.

Between 1100 and 1210 hours, Israeli warplanes violated Lebanese airspace at different altitudes over Chebaa farms.

Between 1150 and 1235 hours, Israeli warplanes violated Lebanese airspace at different altitudes over Tibnine.

**18 August**

At 0800 hours, an Israeli gunboat in Lebanese territorial waters off R'as Naqoura fired several bursts of medium machine-gun fire, and at 2019 hours fired two flare shells on the open sea.

At 1150 hours, Israeli occupation forces facing the Lebanese village El Bustan fired several flare shells over R'as Naqoura beach.

Between 1645 and 1850 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre, and circled over Maarake — Jouwaya and Borj El Chmali.

**24 August**

Between 0915 and 1420 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre, and circled over Tyre — Nabatiya and Qana.

**25 August**

Between 0916 and 1400 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entering from above the sea off Tyre, and circled over Tyre — Maarake — Qana and Nabatiya.

United Nations A/58/883–S/2004/706

General Assembly
Security Council

Distr.: General
1 September 2004
English
Original: Arabic

**General Assembly**
**Fifty-eighth session**
Agenda item 37
**The situation in the Middle East**

**Security Council**
**Fifty-ninth year**

## Identical letters dated 1 September 2004 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

Upon instructions from my Government, I would like to convey to you the following regarding the proposed draft resolution on Lebanon that is before the Security Council.

The Syrian Arab Republic rejects in principle any discussion of the proposed draft resolution for the following reasons:

1. Lebanon, the concerned country, rejects raising this issue as expressed in the letter of the Permanent Representative of Lebanon issued as document A/58/879-S/2004/699.

2. The discussion by the Security Council of this issue contradicts paragraph 7 of article 2 of the Charter, which stipulates: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter".

3. The issue raised is not linked to any dispute and does not constitute a threat to international peace and security; consequently, the overall question does not fall under the jurisdiction of the Security Council by any means.

4. Syrian-Lebanese relations are governed by the Treaty of Brotherhood, Cooperation and Coordination concluded between the two countries and deposited with the United Nations.

5. There has been no complaint sent to this effect from the Lebanese or Syrian authorities, either to the United Nations or to the Arab League, as a regional organization.

04-47572 (E) 010904

6. The Syrian Arab Republic considers any discussion of this issue in the Security Council as a dangerous precedent that deviates the Council from its main functions and makes it a tool for illegal interference in the internal affairs of the independent and sovereign States Members of the United Nations.

I would appreciate it if this letter were circulated as a document of the fifty-eighth session of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Dr. Fayssal **Mekdad**
Ambassador
Permanent Representative

United Nations S/2004/707

Security Council

Distr.: General
2 September 2004

Original: English

**France, Germany, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

*The Security Council,*

*Recalling* all its previous resolutions on Lebanon, in particular resolutions 425 (1978) and 426 (1978) of 19 March 1978, resolution 520 (1982) of 17 September 1982, and resolution 1553 (2004) of 29 July 2004 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

*Reiterating* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders,

*Noting* the determination of Lebanon to ensure the withdrawal of all non-Lebanese forces from Lebanon,

*Gravely concerned* at the continued presence of armed militias in Lebanon, which prevent the Lebanese Government from exercising its full sovereignty over all Lebanese territory,

*Reaffirming* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory,

*Mindful* of the upcoming Lebanese presidential elections and *underlining* the importance of free and fair elections according to Lebanese constitutional rules devised without foreign interference or influence,

1. *Reaffirms* its call for the strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon;

2. *Calls upon* all remaining foreign forces to withdraw from Lebanon;

3. *Calls for* the disbanding and disarmament of all Lebanese and non-Lebanese militias;

4. *Supports* the extension of the control of the Government of Lebanon over all Lebanese territory;

5. *Declares* its support for a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence;

04-49886 (E) 020904

6. *Calls upon* all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of this and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty, and political independence of Lebanon;

7. *Requests* that the Secretary-General report to the Security Council within thirty days on the implementation by the parties of this resolution and *decides* to remain actively seized of the matter.

United Nations S/2004/708

Security Council

Distr.: General
2 September 2004

Original: English

# Progress report of the Secretary-General on Ethiopia and Eritrea

## I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, and provides an update on the peace process since my report dated 7 July 2004 (S/2004/543). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), and presents recommendations for adjusting and streamlining its operations. The current mandate of UNMEE expires on 15 September 2004.

## II. Status of the Temporary Security Zone and adjacent areas, and cooperation with the parties

2. The general situation in the Temporary Security Zone and the adjacent areas has remained stable. There have been no major incidents during the period under review, and no significant changes in the disposition and deployment of the armed forces of Ethiopia and Eritrea. A palpable improvement in the cooperation of both parties with UNMEE has also had a positive effect on the overall security environment. At the same time, the concern expressed in the past remains that continued military stability cannot be guaranteed as long as there is no progress in the political process. The continuing mistrust between the parties emanating from the current stalemate carries the risk that a seemingly isolated incident in the border area could bring into jeopardy the security arrangements that have been in place for the past four years. In the meantime, UNMEE has continued, through daily air and ground patrols, to maintain the integrity of the Temporary Security Zone, and to monitor and verify the redeployed positions of the parties' armed forces in the adjacent areas on both sides of the Zone.

3. Relations between the Eritrean authorities and UNMEE have shown signs of a slight improvement since my last report. In particular, there was a decline in restrictions imposed on the Mission's patrols both inside the Temporary Security Zone and in the adjacent areas north of it. I had hoped to be able to report that the Mission's main supply route to its troops in Sector West, the road from Asmara to Barentu via Keren, was once again open to all UNMEE traffic. However, after reopening it on 9 August, the Government informed UNMEE on 30 August that the road would again be closed, effective 1 September.

04-47454 (E) 070904

4. Cooperation between UNMEE and the military authorities on the Ethiopian side has remained satisfactory, and the Ethiopian Armed Forces have continued to honour their commitment not to conduct large-scale training exercises close to the southern boundary of the Temporary Security Zone. Barring a few incidents, the Ethiopian Armed Forces did not impose any restrictions on UNMEE patrols in the adjacent areas south of the Zone.

5. As was the case during previous rainy seasons, incursions into the Temporary Security Zone by Ethiopian herdsmen in Sector Centre have increased in recent weeks. Furthermore, there has been an increase in Eritrean allegations of rustling of livestock by armed Ethiopians inside the Zone. While UNMEE has investigated most of these incidents, their veracity could not be ascertained. In two instances, suspicions of cattle-rustling led Eritrean militia to fire warning shots into the air, which were answered in kind by their Ethiopian counterparts. UNMEE has advised both parties to desist from such actions, which could potentially destabilize the situation in and around the Zone. By and large, both sides have responded in an adequate manner. UNMEE has also regularly looked into incidents of livestock straying across the southern boundary of the Zone, and the parties have cooperated fully in identifying and returning the animals.

6. UNMEE continued to investigate reported or observed defections of military personnel and civilians from both sides across the southern boundary of the Temporary Security Zone. All of the incidents ended peacefully, with the exception of one in Sector East, in which the defection of an Eritrean militiaman caused Eritrean militia to fire warning shots in an attempt to apprehend him. Ethiopian militia responded by firing several warning shots to dissuade the defector's pursuers. UNMEE subsequently lodged a protest with both sides, calling on them to refrain from such actions, as they could jeopardize the fragile peace in the Zone. Both sides have agreed to discuss and resolve this and other issues in the meetings of the Sector Military Coordination Commission.

**Freedom of movement**

7. Freedom of movement for UNMEE personnel operating in Eritrea has improved in recent weeks: fewer restrictions have been imposed on the Mission's patrols, and there have been new opportunities to visit the redeployed positions of the Eritrean Defence Forces. Ethiopia has generally allowed UNMEE patrols full freedom of movement. However, the immigration procedures imposed on UNMEE staff entering and exiting Ethiopia and Eritrea at the airports in Addis Ababa and Asmara, respectively, remained in place. I urge both parties to ease those measures, and further appeal to the Government of Eritrea to renounce its insistence on receiving prior notification for non-Mission partners travelling on UNMEE carriers on both domestic and cross-border flights.

8. On 18 August, I received a letter from the Prime Minister of Ethiopia, Meles Zenawi, informing me of his Government's decision to allow United Nations aircraft to fly directly between Asmara and Addis Ababa without any deviation. This gesture is very welcome, since the indirect flights have had major operational, security and financial implications for UNMEE since its inception four years ago. In addition to being a real improvement for the Mission's operations, I hope that the direct flights will contribute to building much-needed confidence between the two countries. A team of UNMEE experts met with their Ethiopian counterparts on 31 August to

work out the technical details for the implementation of the direct flights as soon as possible.

**Military Coordination Commission**

9. Under the chairmanship of the Force Commander of UNMEE, the twenty-fifth meeting of the Military Coordination Commission was held in Nairobi on 5 July 2004. The meeting, which was conducted in a relatively cordial and constructive atmosphere, reviewed the military situation in and around the Temporary Security Zone, the Sector Military Coordination Commission process, and the impact of possible future adjustments to the Mission's configuration. Progress has been made in meetings of the Military Coordination Commission at the sector level. Until now, UNMEE has been able to hold a total of six sector-level meetings, the most recent of which was held on 24 August in Sector Centre. The Military Coordination Commission is tentatively scheduled to hold its next meeting on 20 September in Nairobi.

**Status of the Mission and related issues**

10. As at 30 August, the total strength of the UNMEE military component stood at 3,879, comprising 3,564 troops, 101 headquarters staff officers, and 214 military observers (see annex II).

11. On 23 July, Major General Rajender Singh of India assumed his functions as the new Force Commander of UNMEE. I would like to express my appreciation to Major General Robert Gordon, who had served with distinction as the UNMEE Force Commander since October 2002.

12. Since my last report, there has been a significant decrease in detentions by the Eritrean authorities, on the grounds of national service obligations, of locally recruited United Nations staff. During this period, only one local staff member was detained, and he was released four days later at the Mission's request. While the decrease in detentions is welcome, I call, once again, on the Government of Eritrea to sign the status-of-forces agreement with the United Nations without further delay.

## III. Review of the Mission's operations

13. In accordance with Security Council resolution 1531 (2004) of 12 March, I have carried out a review of the effectiveness of UNMEE in order to develop recommendations for the Council's consideration on how the Mission's operations might be adjusted and streamlined. During the review, various options were studied by the Secretariat and UNMEE, and an assessment team from New York visited the Mission area in June. The parties and international partners were consulted during the process.

14. There is no doubt that UNMEE has made a major contribution to the consolidation of the ceasefire between Ethiopia and Eritrea, thus creating a security space for the implementation of the Algiers Agreements and the humanitarian activities in the Temporary Security Zone, which stretches over nearly 1,000 kilometres in an often prohibitive terrain. It is generally agreed that the military component of UNMEE is a vital factor of stability, and that the United Nations should be careful not to leave a security vacuum. At the same time, there is a

realization that, after four years on the ground, the time has come to review and adjust the Mission's configuration, particularly since some areas of the Zone have been militarily stable since the establishment of the Mission.

15. The review process has, to the extent possible, carefully considered the possible implications of any adjustments for the future of the peace process and the results achieved so far. With this in mind, it is believed that any change in the UNMEE force structure should be gradual, take into consideration the security dynamics throughout the Mission area, and not undermine the core monitoring function of UNMEE or the prospect of the Boundary Commission resuming its work. In fact, should the current stalemate in the peace process be broken, leading to demarcation of the border, I would recommend the temporary strengthening of UNMEE in a number of areas, including humanitarian, human rights and legal affairs. In the current circumstances, however, I would recommend to proceed with adjustments to the Mission's presence in two phases.

16. Phase I is already in progress. This phase includes replacing the Slovak military demining contingent, which left the Mission in June, with a modest commercial capacity, resulting in savings of some $6 million annually. In addition, UNMEE has started adjusting its force headquarters staff, which will be reduced by up to 30 per cent.

17. Phase II would entail the repatriation of the infantry battalion and support elements from Sector East, and the consolidation of the existing three sectors into two sectors. The remaining two infantry battalions would adjust their respective areas of responsibility in order to support and secure the military observers remaining in the current Sector East. The drawdown of troops would be offset to the extent possible by an increase in the flying hours of the existing air assets, thus helping to compensate for the reduction in the Mission's direct monitoring capacity and visibility on the ground. At the completion of Phase II, the military structure would comprise a force headquarters, two infantry battalions, two demining units, other existing support elements and up to 220 military observers. The force reserve, to be determined by the Force Commander, would come from the remaining force structure. This phase would be accompanied by commensurate reductions in the number of civilian staff. The proposed Phase II could commence as soon as approved by the Security Council and, taking into account planned troop rotations, could be completed by the beginning of 2005. The annual savings in troop costs, after adjusting for the increased flying hours, may amount to some $20 million annually, including the savings for logistic support.

18. Following the implementation of the two phases described above, further reductions may be justified; the extent and nature of these would depend on the situation on the ground upon the completion of Phase II. While the impact of further reductions in the number of troops could to some extent be offset by an increase in the number of military observers, such a drawdown could reduce the Mission's ability to fully discharge its existing monitoring mandate and respond adequately to all local incidents across the Temporary Security Zone.

## IV. Boundary Commission

19. It is very unfortunate that the Boundary Commission remains unable to proceed with the demarcation of the border, as mandated by the parties in the

Algiers Agreement of December 2000. The Commission has so far maintained a presence in the area, albeit at a limited capacity. However, in its fourteenth report contained in annex I to the present report, the President of the Commission states that, should no progress be made by the end of 2004, the Commission may need to close down its field offices, in order to conserve the remaining funds earmarked for demarcation activities. At the same time, additional funds will be required to complete the demarcation of the whole border when the process resumes.

## V. Mine action

20. Landmines and unexploded ordnance continue to claim victims in the Temporary Security Zone and its adjacent areas, hindering the return to normalcy for the population of both countries. From the end of May to the end of August 2004, there were eight incidents involving landmines and unexploded ordnance, in which three people were killed and four injured. UNMEE continued to closely monitor the threat of this scourge throughout its area of operations, destroyed 78 mines and 418 items of unexploded ordnance, and cleared 110,552 $m^2$ of land and 488 km of road. Meanwhile, the Mission's mine risk education field teams continued to make good progress in providing community-based mine risk education to the people of particularly affected areas in Sectors West and Centre. In total, more than 5,800 people received such education during the reporting period.

21. Arrangements are currently being made to employ a modest commercial asset to replace the Slovak demining contingent, which left the Mission area at the end of June 2004. The memorandum of understanding with the United Nations Office for Project Services is being amended accordingly.

## VI. Humanitarian developments

22. Adequate response to persistent humanitarian needs in Ethiopia and Eritrea continued to be of concern to United Nations agencies and implementing partners. In view of this ongoing situation, I have extended the mandate of my Special Envoy for the Humanitarian Crisis in the Horn of Africa, Martti Ahtisaari, for another six months to enable him to continue to work with the two Governments, the donor community, the United Nations country teams and other stakeholders to identify longer-term solutions to the humanitarian challenges.

23. In Ethiopia, needs assessments carried out in July 2004 in crop-growing and pastoral areas of the country revealed that, owing to poor and erratic rainfall, food availability has deteriorated significantly in several parts of the country. As a result, the total population requiring humanitarian assistance until the end of 2004 has increased to 7.8 million. Contributions towards the 500,000 tons of food aid required until the end of the year have resulted in a net shortfall of 100,000 tons. As the effect of the drought continues, substantial new needs are expected to emerge for which donor support will be crucial. Funding for non-food assistance stands at only 56 per cent of requirements for 2004. Funding this gap requires the additional amount of $7 million for new malaria drugs, because of the recent change in the malaria drug regime. Humanitarian agencies continue to express serious concern about the funding imbalance in favour of food, stressing that more urgent attention

is required for meeting critical non-food needs, particularly in the health and nutrition, water and sanitation and agriculture sectors.

24. In Eritrea, there has been an improvement in food aid pledges since the last report. Of the total unmet food requirement of 433,000 tons, approximately 52 per cent has been contributed. The impact of the drought persists, however, and Eritrea's capacity to cope has further declined, particularly since more than 70 per cent of the population live below the poverty line and need humanitarian assistance. Some 425,000 children under 14 continue to be affected by drought conditions and the lingering effects of war. The malnutrition rate stands at more than 10 per cent in four of the country's six administrative regions, many children under five suffering acute malnutrition. Under-5 mortality has increased to 1.5 per cent, comparable to 1 per 10,000 per day.

25. The poor seasonal rains have led to acute water shortages in many parts of Eritrea, adversely affecting access to clean water. In addition, only 39 per cent of the seeds needed for planting were available, translating into loss of production opportunities for the season. The scarcity of the seasonal rains and its impact on food security and potable water point to another year of food shortages and emergency humanitarian assistance. The situation of internally displaced persons and expellees in camps worsened with the rainy season, and humanitarian agencies and the Government have expressed the need for donor support in the resettlement of approximately 25,000 people. The continuing inability of this population to resettle, coupled with the failure to resume cross-border economic activities, has left many people exposed to serious humanitarian and economic constraints.

**Quick-impact projects**

26. UNMEE continued to implement quick-impact projects in the Temporary Security Zone and in the areas adjacent to it, using voluntary contributions received through the Trust Fund for the Support of the Peace Process in Ethiopia and Eritrea. Of a total of 123 projects, 97 projects have now been completed since April 2001. Most of the projects have been implemented in the sector of water/sanitation (51 per cent), followed by education (46 per cent) and health (23 per cent). The Government of Norway has recently pledged a contribution of $250,000 to the Trust Fund. I urge donors to continue to lend support to these projects by making additional contributions to the Trust Fund. In view of the importance of these activities, consideration could be given to including, partially, allocations for this purpose in the UNMEE budget, as is done in some other United Nations operations in Africa.

**HIV/AIDS activities**

27. UNMEE continued its HIV/AIDS capacity-building activities through weekly HIV/AIDS awareness programmes, training of trainers and the promotion of voluntary confidential counselling and testing in the workplace. Three training-of-trainers courses were conducted jointly with the United Nations country teams, the Africa AIDS Initiative, People Living with HIV/AIDS, and other non-governmental organizations as well as the youth. In addition, UNMEE was represented at a two-day heads of agency seminar organized by UNAIDS. Jointly with UNAIDS in Eritrea, the Mission conducted the first refresher training for HIV/AIDS learning facilitators. The course ran for six days and included participants from UNMEE, the United Nations country teams, non-governmental organizations and hotels.

28. With technical support from UNAIDS, UNMEE conducted in July 2004 its first self-assessment framework for HIV/AIDS competencies, with a view to assessing strengths and weaknesses and devising strategies for bridging the gaps. The Mission's HIV/AIDS Task Force further held monthly meetings, which focused on the monitoring and evaluation of cascade training linked to developed workplace plans.

## VII. Human rights

29. UNMEE continued to follow up with local civilian and security officials reports of individuals of the "other" nationality arrested or reported missing on either side of the Temporary Security Zone, and maintained regular contact with their families. The Mission was recently granted access to visit an Eritrean held at Badme police station and followed up on the case. It would be beneficial for UNMEE to have similar access to Ethiopians detained by the Eritrean authorities inside the Zone. The ongoing illegal and arbitrary detention of individuals arrested within the Zone, and of those civilians who voluntarily cross into it, continues to be worrisome.

30. UNMEE recently observed an increase in allegations of abductions of Eritrean nationals by Ethiopian Armed Forces personnel in various locations in Sector Centre. The increase apparently coincided with the rotation of the armed forces and the deployment in May 2004 of a new division in the area. Following investigations of the allegations and constructive meetings with the division commander, the Mission received assurances that its concerns would be addressed in the future. While working relations with partners remained sound in both countries, relations with some local officials continue to be problematic, particularly with regard to information-sharing and access to persons and locations that fall within the Mission's mandate.

31. UNMEE continues to monitor the situation of the most vulnerable groups, paying special attention to the welfare of minors who cross the Temporary Security Zone. At the end of July 2004, 46 Eritrean unaccompanied minors were being housed at Indabaguna (Ethiopia) in Sector West, under the protection of UNHCR. UNMEE is working closely with ICRC and UNHCR with a view to addressing the issue of those minors who have asked to return to Eritrea. The relocation of the camp for Eritrean refugees and asylum-seekers from Wa'al N'hibi to Shimelba, a site located about 50 km from the southern boundary of the Zone, was completed in June 2004. Long-standing residents of the former camp welcomed the relocation and the improved facilities at the new site. An estimated 1, '00 residents chose not to be resettled at Shimelba, however, and their whereabouts are not known. Eritreans resident in Ethiopia reported growing confidence in the new directives issued by the Government of Ethiopia in January 2004, aimed at improving their legal status. I encourage both parties to extend residency and citizenship rights to all residents having the "other" national origin, in accordance with each country's national legislation.

32. UNMEE continued to conduct human rights promotional activities for law enforcement officials and women's associations in Ethiopia, where it is receiving a growing number of requests for human rights training in general, including for

prison officials. I am contemplating a modest expansion of the human rights office of UNMEE in order to meet the additional requirements and an evolving context.

## VIII. Public information

33. UNMEE public information activities have continued through radio programmes, weekly press briefings and the monthly newsletter. The number of visitors to the two Outreach Centres in Ethiopia continued to increase, and plans are under way to open a third centre at Adigrat.

## IX. Financial aspects

34. The General Assembly, by its resolution 58/302 of 18 June 2004 appropriated the amount of $198.3 million, equivalent to $16.5 million per month, for the maintenance of UNMEE for the financial period from 1 July 2004 to 30 June 2005. Should the Security Council decide to extend the mandate of UNMEE beyond 15 September 2004, the cost of maintaining the Mission would be limited to the amount approved by the General Assembly. As at 31 July 2004, unpaid assessed contributions to the special account for UNMEE amounted to $50.6 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2.4 billion.

## X. Observations

35. While the situation between Eritrea and Ethiopia remains far from ideal, there have been some positive developments in areas relating to UNMEE operations. On the Eritrean side, UNMEE has experienced a decline in restrictions on its freedom of movement; a cessation of anti-UNMEE statements by officials; and a significant decrease in the number of detentions of locally recruited United Nations staff. As regards Ethiopia, the main positive development during the reporting period is its decision to allow UNMEE to fly directly between Asmara and Addis Ababa. These steps appear to indicate that the two parties appreciate the need to cooperate with the Mission, in order for it to be fully effective. If so, such measures should be followed by additional improvements in cooperation. My Special Representative and the Mission as a whole are always prepared to assist the parties to consolidate peace in the region.

36. I remain concerned about the overall status of the peace process or, more specifically, the absence of prospects for breaking the continuing stalemate regarding the demarcation of the border between the two countries. During my visit to Eritrea and Ethiopia at the beginning of July, I met with the two leaders in their respective capitals. Unfortunately, despite my strong encouragement, neither side offered any new ideas on how the peace process could be advanced, and restated their positions. There is reason to believe that the longer the impasse persists, without any consequences for either party, the less likely either of them will be to show flexibility or radically modify its position. In addition, the longer the political deadlock continues, the greater the risk of an incident which could have serious consequences. While both parties stress that they have no desire to unleash an armed

conflict, they reportedly continue to arm themselves and state that they would not hesitate to react if provoked.

37. The key to breaking the current stalemate is the implementation of the Boundary Commission's final and binding decision of 13 April 2002. The main challenge to its implementation remains Ethiopia's opposition to significant parts of the decision. I therefore call on the Government of Ethiopia to reconsider its position, taking into account its wider and longer-term implications. In addition to the immediate consequences for peace and stability in the region, the delay in the implementation of a central component of the Algiers Agreement of December 2000 could also set an unfortunate precedent for the future resolution of similar disputes.

38. For its part, Eritrea still insists that dialogue is not possible before the completion of the demarcation process, and has so far refused to meet with my Special Envoy, Lloyd Axworthy. In his letters addressed to me, the President of Eritrea continues to express his perception of my good offices initiative as an accommodation of Ethiopia's rejection of the Boundary Commission decision, and his reluctance to work with my Special Envoy. By now, it should be clear that progress will not be made merely by restating and maintaining positions which are well known. It is time that the more cooperative spirit demonstrated by the two parties towards UNMEE in recent weeks be applied to the broader political process, in order to move it forward.

39. Ethiopia's position on the Boundary Commission decision and Eritrea's position on my Special Envoy continue to hinder any progress in my initiative to help expedite the implementation of the Algiers Agreement. I appeal to Ethiopia to allow demarcation to proceed expeditiously in accordance with the Commission's decision, and to both parties to adopt a more constructive approach towards the efforts of my Special Envoy with a view to moving the peace process forward. The United Nations and the wider international community, which remain committed to assisting the parties, can only serve as facilitators in that regard. I, therefore, call on the parties to face this fact squarely and to realize that the opportunity cost of postponing peace grows immensely with time. Both Governments need peace and stability to focus on the serious humanitarian and development challenges facing their countries.

40. As regards UNMEE, the peacekeeping operation was established as a temporary measure, to create conditions conducive to a permanent settlement. These conditions have generally been present on the ground for quite some time. However, the political will to move decisively to implement the Algiers Agreement is still lacking. It would therefore be important for the international community, in particular the members of the Security Council and the witnesses of the Algiers Agreements, to intensify their efforts to help Eritrea and Ethiopia to conclude this peace process without further hesitation. In the meantime, I recommend that the mandate of UNMEE be extended for a further six months, until 15 March 2005, and that the Security Council authorize the implementation of the proposed adjustments contained in section III of the present report.

41. In conclusion, I would like to express my gratitude to my Special Representative and to the civilian and military personnel serving in UNMEE for their commitment and hard work. I would further like to thank all the Mission's partners, including the United Nations country teams and other humanitarian agencies, individual Member States, the African Union and other international

organizations for the support they lend to the peace process. I also wish to acknowledge the work and determination of my Special Envoy, and the important support of all others involved in this process, including the troop-contributing countries.

## Annex I

### Eritrea-Ethiopia Boundary Commission: fourteenth report on the work of the Commission

1. This is the fourteenth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 4 June to 20 August 2004.

2. As indicated in its thirteenth report, the Commission has, regrettably, and for reasons beyond its control, been unable to make progress with its demarcation activities. The Commission is unaware of any developments during the period currently under review that would cause it to revise its conclusion that, until the positions of either or both of the parties are modified, there is nothing more that the Commission can do.

3. As noted in its thirteenth report, the Commission, in keeping with its undertaking to continue its work, if the parties cooperate fully in the manner foreseen in the Algiers Agreement, is maintaining its presence in the area, but has reduced its activity to the minimum compatible with its being able to resume it, if and when the parties make it possible for the Commission to do so. The Commission is still maintaining its field offices in both capitals, but with reduced staff, but, having regard to the financial implications of delays in the demarcation process, it cannot maintain a presence in the area indefinitely. The Commission reiterates its hope that the parties will cooperate "fully and promptly" with the Commission, as set out in paragraph 4 of Security Council resolution 1531 (2004), and thus enable it to resume its mission. Should no progress be made by the end of 2004, the Commission may see no alternative but to close its field offices and to release its remaining staff hired for those offices, in order to conserve the remaining amount in the Trust Fund for use in future demarcation activities.

4. The Special Consultant provided progress reports to the parties through the Secretary on 9 July and 5 August 2004, both stating: "as the Parties have not made it possible for the Commission to resume its activity, no progress was made in [June] [July] and there is nothing to report". Unless and until there is some marked change in the situation, there is no point in continuing with these progress reports and they will, accordingly, be suspended forthwith.

5. Under article 4 (17) of the Algiers Agreement, the parties are required to bear the expenses of the Commission in equal shares, and accordingly deposits have been required from them at regular intervals. Eritrea has paid its latest deposit, while Ethiopia, despite repeated reminders, including that in paragraph 4 of Security Council resolution 1531 (2004), still has not. The Commission therefore remains unable to make payment on certain accrued expenses and has no funds in hand to finance any renewed activity.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission

20 August 2004

## Annex II

### United Nations Mission in Ethiopia and Eritrea: contributions as at 11 June 2004

| *Country* | *Military observers* | *Troops* | *Staff* | *Total* | *National support elements* |
|---|---|---|---|---|---|
| Algeria | 8 | | | 8 | |
| Australia | | | 2 | 2 | |
| Austria | 2 | | 1 | 3 | |
| Bangladesh | 7 | 168 | 4 | 179 | |
| Benin | | | 0 | 0 | |
| Bosnia and Herzegovina | 9 | | | 9 | |
| Bulgaria | 5 | | 2 | 7 | |
| China | 7 | | | 7 | |
| Croatia | 7 | | | 7 | |
| Czech Republic | 2 | | | 2 | |
| Denmark | 4 | | | 4 | |
| Finland | 7 | 169 | 11 | 187 | |
| France | | | 1 | 1 | |
| Gambia | 4 | | 2 | 6 | |
| Ghana | 11 | | 6 | 17 | |
| Germany | 2 | | | 2 | |
| Greece | 3 | | | 3 | |
| India | 9 | 1523 | 21 | 1553 | |
| Iran (Islamic Republic of) | 3 | | | 3 | |
| Italy | | 51 | 1 | 52 | 8 |
| Jordan | 6 | 951 | 14 | 971 | |
| Kenya | 12 | 669 | 12 | 693 | |
| Malaysia | 7 | | 4 | 11 | |
| Namibia | 5 | | 1 | 6 | |
| Nepal | 4 | | | 4 | |
| Nigeria | 6 | | 2 | 8 | |
| Norway | 5 | | | 5 | |
| Paraguay | 3 | | | 3 | |
| Peru | 3 | | | 3 | |
| Poland | 6 | | | 6 | |
| Romania | 7 | | | 7 | |
| Russian Federation | 5 | | | 5 | |
| Spain | 3 | | 2 | 5 | |
| South Africa | 5 | | 3 | 8 | |
| Sweden | 5 | | | 5 | |
| Switzerland | 4 | | | 4 | |

| *Country* | *Military observers* | *Troops* | *Staff* | *Total* | *National support elements* |
|---|---|---|---|---|---|
| Tunisia | 2 | | 3 | 5 | |
| Ukraine | 7 | | | 7 | |
| United Republic of Tanzania | 8 | | 3 | 11 | |
| Uruguay | 5 | 33 | 3 | 41 | |
| United States of America | 6 | | | 6 | |
| Zambia | 10 | | 3 | 13 | |
| **Total** | **214** | **3 564** | **101** | **3 879** | **8** |